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SERVICE DATE - OCTOBER 24, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-565 (Sub-No. 7X)

NEW YORK CENTRAL LINES, LLC—ABANDONMENT EXEMPTION—  
IN SUFFOLK COUNTY, MA

Decided: October 22, 2003

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152.50 Subpart F—Exempt Abandonments and Discontinuances of Service for NYC to abandon and CSXT to discontinue service over approximately 2.17 miles of railroad between milepost QBG-5.7 and milepost QBG-7.87 in Chelsea, Suffolk County, MA. Notice of the exemption was served and published in the Federal Register on March 29, 2002 (67 FR 15281).<sup>1</sup> On April 29, 2002, a decision and notice of interim trail use or abandonment (NITU) was served, reopening the proceeding and authorizing a 180-day period for the City of Chelsea, MA (City), to negotiate an interim trail use/rail banking agreement with NYC for the right-of-way involved in this proceeding.<sup>2</sup> The negotiating period under the NITU was scheduled to expire on October 27, 2002, but was extended to October 28, 2003, by decisions served on October 25, 2002, and March 31, 2003.

On October 3, 2003, NYC requested an extension of the NITU negotiating period until April 28, 2004. NYC states that, it does not appear that it and the City will be able to reach a final agreement on the trail issue by October 28, 2003. On October 14, 2003, the City advised the Board that it is in concurrence with NYC's request.

Where, as here, the carriers are willing to continue trail use negotiations, the negotiating period may be extended.<sup>3</sup> An extension of the negotiating period will promote the establishment of trails and

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<sup>1</sup> The notice issued on March 29, 2002, embraced STB Docket No. AB-55 (Sub-No. 605X), CSX Transportation, Inc.—Discontinuance of Service Exemption—in Suffolk County, MA.

<sup>2</sup> The April 29 decision also imposed environmental conditions.

<sup>3</sup> See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the negotiating period will be extended to April 28, 2004.<sup>4</sup>

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. NYC's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended to April 28, 2004.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary

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<sup>4</sup> Although the request slightly exceeds the customary request of 180 days, the Board has granted such requests in the past. See, e.g., Southern Pacific Transportation Company—Abandonment Exemption—In Jackson, Victoria and Wharton Counties, TX, Docket No. AB-12 (Sub-No. 162X) (STB served May 29, 1996).